

MINUTES
ZONING BOARD OF APPEALS
JANUARY 9, 2013 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 1

I. ROLL CALL

Present: Kravits, Manning, Russotto, Stebbins
Excused: Grady, Mencer
Staff: Davis, Gilot

Chairman Stebbins called the meeting to order at 7:00 p.m. The members observed a moment of silence in honor of Mr. Mencer's mother, who passed away a few days ago.

The Chairman reviewed the public hearing procedures.

II. PUBLIC HEARING

ZBA#12-09 – 5 Pearl Street, Mystic, Philip Pavone/Owner, Peter Springsteel/Applicant, for a variance to Section 5.2 for a side yard setback to allow 2 feet in lieu of 6 feet. PIN 261918318103, RS-8 zone

Secretary Manning read the legal notice and stated that the mailings were in order.

Chairman Stebbins explained to the applicant that since there were only four voting members, if a decision were made this evening, his application would require unanimous approval; the applicant could choose to postpone the public hearing. The applicant chose to go forward with the public hearing.

Peter Springsteel, 105 Starr Street, represented the applicant, Philip Pavone, 5 Pearl Street, Mystic.

Mr. Springsteel presented the variance request. A site plan, photo of the house and a GIS map were reviewed. The property has a three family house with two driveways on Pearl Street, on the property line on either side. Both driveways serve existing garages, a one car garage on the south side, and a small 2-car garage on the north side. The two car garage is 2 feet from the property line. The applicant proposed to demolish the existing garage and rebuild the garage taller and longer at the back, to house vehicles. Photos were shown of the proposed four car garage. The hardship is due to the non-conforming side-yard setback, as the property predates zoning regulations. The left side garage goes with one of the apartments. The other apartment would use on-street parking. The proposed new garage will follow the same footprint and add to it. No height variance is required. The alignment needs to be retained to allow vehicles to get into the garage. The Board and applicant discussed moving the garage at the closest corner to 3 feet, and the whole footprint by one foot, to reduce the non-conformity. The initial application was for a renovation of the existing garage, but the Historic District Commission recommended building a new garage rather than renovating and expanding the old garage.

The Chairman asked for comments from the public and there were none.

The following items were read into the record:

- Planning Commission referral (no comment).
- The Historic District Commission's Certificate of Appropriateness

- Staff report agenda memo to the Board

The public hearing was closed at 7:55 p.m.

III. MEETING FOLLOWING PUBLIC HEARING

1. Decision on Public Hearing Application

ZBA#12-09 – 5 Pearl Street, Mystic, Philip Pavone/Owner, Peter Springsteel/Applicant

MOTION: To grant the variance with the modification to allow a sideyard setback of 3 feet in lieu of 6 ft. in accordance with Exhibit ZBA 12-09 #2.

Motion made by Russotto, seconded by Kravits. MOTION PASSED UNANIMOUSLY.

2. Correspondence – None

3. Minutes – Meeting of December 12, 2012

The Board discussed recording of denials in land records and the difference between a Record of Decision and a Notice of Grant of Variance. Staff will discuss the topic with the Director.

MOTION: To approve the minutes of December 12, 2012 as amended.

Motion made by Manning, seconded by Russotto. MOTION PASSED UNANIMOUSLY.

4. Old Business

The Board discussed the Town Attorney's opinion on state statute 8-2(b), and the comments made by a Zoning Commission member at the last meeting.

5. New Business

a) Election of Officers

MOTION: To re-elect Edward Stebbins as Chairman, Floyd Kravits as Vice-Chairman, and Tom Manning as Secretary of the Zoning Board of Appeals for 2013.

Motion made by Russotto, seconded by Kravits. MOTION PASSED UNANIMOUSLY.

b) New Applications - None

6. Report of Staff - None

IV. ADJOURNMENT

Motion to adjourn at 8:28 p.m. was made by Russotto, seconded by Manning, so voted unanimously.

Tom Manning, Secretary
Zoning Board of Appeals

Prepared by Debra Gilot, Office Assistant III